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# ICPS newsletter<sup>®</sup>

## How land issues are solved using public policy in Kyrgyzstan

*For several years now, the International Centre for Policy Studies has been actively involved in the process of establishing public policy methods in post-soviet countries. A project called "From a Strong Electorate to Strong, Transparent Self-Government," carried out in the Republic of Kyrgyzstan with the support of ICPS methodology, has been one of the success stories in public policy formats*

How can public policy approaches be set up in real life? What skills do local officials and community organizations need in order to work in the public policy format? What steps are needed to unite various interest groups? Answers to these questions can be found in a book entitled, "Some Steps towards Strong Professional Government." The book's authors illustrate how such a difficult issue as land can be dealt with using public policy. The practice of public policy procedures is worth expanding to other problematic areas of social and political life, both in Kyrgyzstan and other post-socialist countries.

Like most former soviet countries, Kyrgyzstan is not prepared for the competitive conditions of democracy. Two main actors in a democracy—government and the people—remain soviet, which means they dictate and demand without taking any responsibility for the process of making or carrying out decisions. Under such circumstances, failures are often attributed to "enemies" or the "national mentality."

Powerful government institutions mean a government able to determine and defend its priorities, to demand concessions from influential groups to guarantee political stability, and to resolve conflicting interests. At the same time, powerful community organizations are those able to successfully represent the interests of social groups during the decision-making process and to interact effectively with the government in the process of making and carrying out state policy.

In the Kyrgyz City of Karakol, both officials and NGOs are learning the techniques of developing democracy and a democratic society. In the course of

settling land issues, both officials and ordinary citizens are gaining skills in the use of public policy formats and procedures.

### Problems with land in the City of Karakol

The right of ownership, including land resources, is one of the basic human rights. Nevertheless, in former communist countries, the process of transferring land to private ownership is often accompanied by disputes and conflicts. Kyrgyzstan is no exception. Due to lack of communication and dialog among diverse social groups, the lack of publicity and transparency during the inventory of land resources, various interest groups found themselves laying claim to the same plots of land in the city of Karakol: residents, peasants from neighboring villages, and the Mayor's Office.

For 15 years, people living in the villages round Karakol had tried to clarify a map with the boundaries between the city and adjacent territories, a reasonable basis for dividing rural plots and granting them to urban residents, the lawfulness of the process of land privatization, and why some dwellers in the districts of Karakol had neither rural nor urban residence permits, while others were given lots to which rural residents had claims.

Settling these and many other issues in recent years involved letter campaigns to various government agencies, court examinations, pickets, and even starvation protests. Still, there were no answers from the government, let alone results. In addition, the situation was exacerbated because the City of Karakol changed status several times, from regional to oblast-level, which led to

### Debate on administrative reform coming up!

Debate of a Green Paper entitled "Reforming Public Administration in Ukraine at the Local and Regional Levels" will take place as part of the "Public Consultations on Administrative Reform" project. These discussions are being held on 4 December in Lutsk and on 11 December in Komsomolsk in Poltava oblast. Local governments, political parties and community organizations have been invited to participate in them. The objectives of these discussions include getting feedback from specialists and stakeholders and assessing current positions as to possible alternatives of administrative reform at the regional and local levels.

The "Public Consultations on Administrative Reform" project is being carried out by ICPS, together with the National Council for Public Administration and Local Government and also Centre for Political and Legal Reforms, with the financial support of the German Technical Cooperation (GTZ).

*The Lutsk-1432 Center for Municipal Reforms in Lutsk and the Center for Municipal Development in Komsomolsk are project partners in organizing these public hearings. For more information contact project coordinator Andriy Beha either by phone 484-4400 or via e-mail at [abega@icps.kiev.ua](mailto:abega@icps.kiev.ua).*

### By the way...

- Consultations with stakeholders as part of the "Public Consultations on the Ukraine-EU Free Trade Agreement" project continue. A roundtable called "The Movement of Workers and Performing the Economic Activity in the Context of the Ukraine-EU Free Trade Agreement" took place on 28 November 2006. Another roundtable called "The Ukraine-EU Free Trade Agreement: Implications for the energy sector" took place on 30 November.

shifts in its boundaries. This led to the land issue becoming frozen.

The situation reached a climax in Spring 2005, during the Kyrgyzstan's "Tulip Revolution," when self-organized groups started seizing plots around cities. Residents of the villages neighboring Karakol organized lobbying groups and began demanding that the oblast administration give them plots for individual construction. Yet, in Karakol itself over 7,000 people wanted to receive such plots.

## Interest groups and growing conflict

In order to solve this land issue, a public association called the Leader Center for Civic Initiatives launched a project to establish conditions for effective cooperation between local authorities and public in the decision-making process using public policy formats and procedures. Firstly, experts defined the main interest groups and reasons for the conflict.

The reasons that these experts came up with for the open conflict include:

- different understanding of partnership between local government and public;
- no procedures and standards for carrying out a dialog with the public in government institutions;
- few skilled staff able to work with civil society;
- no mechanisms for implementing techniques of cooperation;
- poor legal basis.

## How the problem was solved

The City Council granted legitimate status to the Municipal Community Council of Karakol. This significantly raised the MCC's profile as a body representing public interests.

After a series of focus groups with representatives of all interested parties, the opportunity for constructive dialog appeared for the first time in recent years. City Hall's decisions concerning border territories now had to be discussed with representative of the neighboring villages.

In addition, working groups were set up among some categories of interest

groups, who were trained to apply public policy formats and procedures.

Next, electronic maps were generated showing the number of available plots of land. City Hall is now registering such plots on an ongoing basis. Once this registration is done, it will put together a strategic plan on the use of this available land in collaboration with all interest groups.

## First public discussions: Making contact

With the assistance of ICPS methodologist Volodymyr Nikitin, the first public hearings to discuss land policy issues were held in Karakol on 7 April 2006. As a result of the open debate, interested parties were tested in applying public policy formats and procedures. Moreover, the common and differing positions of all the sides became clear. For the first time in many decades of claims and counter-claims, all the shareholders found their common positions:

- the Mayor's Office has no land policy strategy;
- the various sides are unfamiliar with the land law and the right to use land resources both temporarily and permanently;
- there is no public oversight of land allocation;
- the activities of local officials, including the State registration process, are not transparent;
- there is no mechanism for tracking information on land allocation;
- decisions about the city boundaries are often arbitrary.

The stakeholders agreed that a real strategy on municipal land use was needed in order to solve these problems.

## A municipal land management strategy: Key to a solution

Municipal land management means making and carrying out decisions about the purchase, use and disposition (sale, lease) of land owned by the municipality. At this point, the drafting of a Municipal Land Management Strategy, based on the results of a roundtable in Karakol, is nearly complete. The stakeholders are counting

on a successful realization of the strategic tasks, which means land will no longer be the focus of corruption and speculation.

Developing strategies is not just a fashion trend: it is a necessary component of urban management. Contemporary urban planning requires the participation of numberless sides having equal rights, which can often lead to new conflicts. A strategic approach can answer questions about goals, prospects and means to achieve these. It can also resolve the positions of a variety of interested parties.

A strategy is the basic document on rational use of land owned by a city. A land management strategy includes a set of actions for the practical application of such management. Every city has some concrete goals for which a Strategy is put into action:

- place the control of municipal land use with local officials;
- switch from passive to active use of municipal lands, according to a plan elaborated for at least several years ahead;
- remove from current and future practice past abuses of land law and bring into accord with the law those instances that constituted infringements in the past;
- promote the economic development of the city and the attraction of investment to its overall economy and construction;
- balance the land interests of different groups and aim at maintaining social justice;
- maximize profits from the granting of rights to land, while not allowing this to become a source of significant conflicts in the achievement of other Strategy goals. ■

*"Some Steps towards Strong Professional Government" was written by the Leader Center for Civic Initiatives, with financial support from the Soros-Kyrgyzstan Foundation and the technical support of ICPS methodologist Volodymyr Nikitin.*

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